

JUL 06 2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAVID F. SPRINKLE,)
Plaintiff,) Case No. 7:08CV00430
v.)
EARL BARKSDALE, ET AL.,) ORDER
Defendants.) By: Glen E. Conrad
) United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

1. Defendants' motion for summary judgment is **GRANTED**;
2. Defendant DiGiovanni's motion to dismiss (Dkt. No. 45) is **GRANTED**;
3. The motion to dismiss filed by the other medical defendants (Dkt. No. 53) is **GRANTED** in part and **DENIED** in part; the motion is **GRANTED** as to Defendants Elko, Driskoll, and Sams, but is **DENIED** as to Defendants Cypress and Downs with regard to plaintiff's claims, as outlined in the memorandum opinion, that these defendants acted with deliberate indifferent to his serious medical need for pain medication. These defendants are directed to file an answer and any other dispositive motion within twenty (20) days from entry of this order; and
4. The clerk shall terminate the following defendants from the action: Mosley, Stephens, Schilling, Ratcliff-Walker, Booker, Mason, Harper, Dent, Smith, Elko, Driskoll, Sams, and Degiovanni;¹⁴

ENTER: This 6th day of July, 2009.

Glen Conrad

United States District Judge

¹⁴ Warden Barksdale will not be terminated as a party at this time.